

Drugs Act, on September 9, 1911, from the State of Maryland into the State of Florida, of a quantity of so-called damson jam which was adulterated and misbranded. The product was labeled: "Clipper Damson Jam (Trade Mark) Fresh Fruit Preserved in Granulated Sugar, Glucose and Apple Juice. Packed by Wm. Numsen & Sons, Incorporated. Baltimore, Md., U. S. A. Established 1847. Registered 1879."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

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| Solids by drying (per cent)..... | 63.1 |
| Sucrose, Clerget (per cent)..... | 1.0 |
| Reducing sugars as invert before inversion (per cent)..... | 43.5 |
| Commercial glucose (factor 163) (per cent)..... | 30.0 |
| Polarization, direct, at 28° C. (° V.)..... | 47.2 |
| Polarization, invert, at 28° C. (° V.)..... | 46.0 |
| Polarization, invert, at 87° C. (° V.)..... | +48.8 |
| Ash (per cent)..... | 0.52 |
| Net weight (ounces)..... | 14 |
| Benzoic acid..... | None. |
| Salicylic acid..... | None. |
| Saccharin..... | None. |
| Boric acid..... | None. |

Adulteration of the product was alleged in the information for the reason that a certain compound jam, to wit, a jam composed of damson fruit, granulated sugar, glucose, and apple juice, had been substituted for damson jam. Misbranding was alleged for the reason that the labels on each of the packages containing the product bore the statement in substance and effect that the article was damson jam, which said statement was false and misleading because the article was not damson jam but was, in truth and in fact, a compound jam consisting of damson fruit, granulated sugar, glucose, and apple juice. Misbranding was alleged for the further reason that the product was labeled so as to deceive and mislead the purchaser, being labeled (in large type) "Damson Jam," when, in truth and in fact, it was a compound jam composed of damson fruit, granulated sugar, glucose, and apple juice. The statement also appeared on the labels that the product consisted of "Fresh Fruit Preserved in Granulated Sugar, Glucose and Apple Juice," being separate from and in much smaller type than the words "Damson Jam" and insufficient to correct the false impression created by the use of the words "Damson Jam."

On October 9, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 18, 1914.*

2923. Adulteration and misbranding of cognac. U. S. v. Serafino Piana. Plea of guilty. Fine, \$400. (F. & D. No. 4559. I. S. Nos. 1684-d, 1688-d.)

On May 6, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Serafino Piana, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on November 18, 1911, from the State of New York into the State of Pennsylvania—

(1) Of a quantity of cognac which was adulterated and misbranded. This product was labeled: (On bottles) "Trade mark S. P. * * * A. Mercier & Co. Type of Cognac. M. Desegnaulx & Co. Sole Agents for the U. S. Blended. Put up in New York 1848. Special Notice. To prevent imitations we shall wire and seal all our bottles." (On cases) "S. P. U. S. serial No. 4424. Guaranteed under the Food and Drugs Act, June 30, 1906. 12 bottles. New York. E. Mercier & Co. Cognac. Fragile."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that neutral spirits had been substituted in the product in whole or in part for cognac. Adulteration of the product was alleged in the information for the reason that a substance other than cognac, to wit, a substance consisting of alcohol, water, a small amount of brandy, and prune juice, and in fact an imitation brandy, was substituted wholly for the genuine article, cognac. Misbranding was alleged for the reason that the designs, statements, and devices on the labels of the bottles and shipping cases regarding the product were false and misleading and said labels were calculated to deceive and mislead the purchaser thereof, in that said statements, designs, and devices would indicate that the product was a genuine cognac, originating in the Cognac district of France and imported into the United States, whereas, in truth and in fact, it was not a genuine cognac, but was a product manufactured in the United States, containing neutral spirits, and was further misbranded in that it purported to be a foreign product, to wit, a product of France, when it was not such, but was a product of the United States. Misbranding was alleged for the further reason that the statement in the label on the shipping cases set forth above, regarding the product, was false and misleading, and said label was calculated to deceive and mislead the purchaser thereof, in that it would indicate that the product was guaranteed by the United States Government, whereas, in truth and in fact, it was not guaranteed by the United States Government.

(2) Of a quantity of so-called old cognac which was adulterated and misbranded. This product was labeled: (On bottles) "Cognac * * * Brandy. Trade S. P. mark, Type of Cognac Vieux Blended Put up in New York. U. S. serial No. 4424. Guaranteed under the Food and Drugs Act, June 30, 1906." (On cases) "Cognac Vieux * * * U. S. serial No. 4424. Guaranteed under the Food and Drugs Act, June 30, 1906, S. P. 12 bottles. New York."

Analysis of a sample of the product by the said Bureau of Chemistry showed that neutral spirits had been substituted in the product in whole or in part for cognac brandy. Adulteration of the product was alleged in the information for the reason that there had been substituted for the genuine article, "Cognac Vieux," another article, to wit, an imitation brandy. Misbranding of the product was alleged for the reason that the statements, designs, and devices on the labels of the bottles and shipping cases regarding the product were false and misleading and calculated to deceive and mislead the purchaser thereof, in that said labels would indicate that the product was a genuine old cognac from the Cognac district of France, whereas, in truth and in fact, it was an imitation brandy prepared and manufactured in the United States, and was further misbranded in that it purported to be a foreign product, to wit, a product of France, when it was not such, but was a domestic product. Misbranding was alleged for the further reason that the product was labeled on the shipping cases as set forth above, and said words regarding the article would indicate that it was guaranteed by the United States Government, whereas, in truth and in fact, it was not guaranteed by the United States Government.

On May 12, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$400.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 18, 1914.*

2924. Adulteration and misbranding of cocoanut. U. S. v. 25 Pails of Cocoanut. Product released on bond. (F. & D. No. 4560. S. No. 1516.)

On September 23, 1912, the United States attorney for the district of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 pails of cocoanut remaining unsold in the original unbroken packages and in possession of Wadhams & Kerr Bros., Portland, Oreg., alleging that the product had been shipped on or about